

LEGAL NOTICE

Summary of Proposed Rulemakings

PUBLIC NOTICE OF INTENT TO PROPOSE OR PROMULGATE NEW OR CHANGED AGENCY RULES

The following agencies of the state of Idaho have published the complete text and all related, pertinent information concerning their intent to change or make the following rules in the new issue of the state Administrative Bulletin.

*The written comment deadline is September 24, 2008, unless otherwise listed.
(Temp & Prop) indicates the rule is both temporary and proposed.
** Indicates that a public hearing has been scheduled.*

IDAPA 02 - DEPARTMENT OF AGRICULTURE P.O. Box 790, Boise, ID 83701-0790

****02-0214-0802, Rules for Weights and Measures.** The rule change would increase the annual device license fees and increase rates for request testing to enable the Bureau to meet device testing requirements and to replace equipment.

IDAPA 07 - DIVISION OF BUILDING SAFETY 1090 E. Watertower St., Meridian, ID 83642

07-0102-0801, Rules Governing Fees for Electrical Inspections. (Temp & Prop)

07-0203-0801, Rules Governing Permit Fee Schedule. (Temp & Prop)

07-0701-0801, Rules Governing Installation of Heating, Ventilation, & Air Conditioning Systems. (Temp & Prop)

Changes to these 3 rules simplify the permit fee calculation for homes over 4,500 square feet by including a base fee plus additional fees for every 1,000 sq. ft. over 4,500 sq. ft., or a portion thereof; also clarifies that square footage calculation includes living space only.

07-0206-0801, Rules Concerning Uniform Plumbing Code. Amends the Uniform Plumbing Code to authorize the use of nonwater urinals where appropriate and to authorize the installation and use of nonwater urinals under certain conditions and requirements; also requires installation of a standard water distribution line for the urinal location in the event of a future retrofit.

07-0301-0802, Rules of Building Safety. Increases fee to support the ongoing inspection process for the HUD manufactured housing program.

07.04.02 - Safety Rules for Elevators, Escalators, and Moving Walks.

07-0402-0801, Corrects the title of referenced ANSI/ASME Standard A17.5 to "Elevator and Escalator Electrical Equipment."

07-0402-0802, (Temp & Prop) Reduces the reinspection fee for various types of conveyances including elevators, escalators, and lifts to reflect the actual cost of providing the service.

IDAPA 11 - IDAHO STATE POLICE 700 S. Stratford Dr., Meridian, ID 83643

11-0701-0801, Rules Governing Motor Vehicles - General Rules. Removes unnecessary and conflicting language regarding formal declaratory orders.

11-1104-0801, Rules of the Idaho Peace Officer Standards and Training Council for Correction Officers and Adult Probation and Parole Officers. Eliminates the requirement that Correction Officers demonstrate the ability to distinguish primary colors.

IDAPA 16 - DEPARTMENT OF HEALTH AND WELFARE

PO Box 83720, Boise, ID 83720-0036

****16-0602-0801, Rules Governing Standards for Child Care Licensing.** Aligns rules with the Children's Behavioral Health rules; removes obsolete and unenforceable language; revises and augments the following standards: client, staff, and financial record keeping; service plans; building safety; fire prevention and hazardous toxins reporting; strip searches and non-violent physical intervention and use of mechanical restraints; continued care and transitional living; transportation; and outdoor therapeutic program and expeditions; and adds enforcement language to ensure processes provide protection for the health and safety of children in the care of Department licensees.

****16-0614-0801, Rules Governing the Prevention of Minors' Access to Tobacco Products.** Repeal of chapter.

****16-0725-0801, Prevention of Minors' Access to Tobacco Products.** Rewrite of chapter assigns new title and chapter number to rule and establishes when a new permit is to be issued and when a permit may be closed or revoked.

IDAPA 18 - DEPARTMENT OF INSURANCE

PO Box 83720, Boise, ID 83720-0043

18-0180-0801, Preneed Life Insurance Minimum Standards for Determining Reserve Liabilities and Nonforfeiture Values. Establishes 1980 CSO Mortality Table as the minimum standard for computation of policy reserves and nonforfeiture values for preneed policies offered by life insurers to cover funeral and burial expenses; provides a time period for companies to transition to using these tables; and requires that department director be notified on which table is in use.

IDAPA 20 - DEPARTMENT OF LANDS

300 North 6th Street, Suite 103, Boise, ID 83720

****20-0201-0801, Rules Pertaining to the Idaho Forest Practices Act.** Conforms rule to statutory changes that allow for the diversion of water from a natural watercourse for certain forest practices and forest dust abatement without a water right, with certain restrictions.

****20-0209-0801, Method of Selling Pole-Quality Western Red Cedar.** Repeal of chapter.

****20-0210-0801, Rules for Selling of Forest Products on State-Owned Endowment Lands.** Repeal of chapter.

****20-0214-0801, Rules for Selling Forest Products on State Owned Endowment Lands.** Consolidates two existing rules that are concurrently being repealed, IDAPA 20.02.09 and 20.02.10, to eliminate duplication.

20-0602-0801, General Rules, Licensing and Check Scales of the Idaho Board of Scaling Practices. Consolidates all Board rules into a single chapter to eliminate duplication; reindexes this chapter from 20.06.02 to 20.06.01; incorporates by reference of the "Idaho Log Scaling Manual"; adds new rules to reflect gross and net scale determination; and makes technical corrections to existing rules.

20-0603-0801, Measurement Rules for Forest Products of the Idaho Board of Scaling Practices. Repeal of chapter.

IDAPA 21 - DIVISION OF VETERANS SERVICES

320 Collins Road, Boise, ID 83702

21-0104-0802, Rules Governing the Idaho State Veterans Cemetery. Allows the division administrator to close the cemetery at 6 p.m. when a fireworks display is planned to keep public from using cemetery as a viewing area.

IDAPA 22- BOARD OF MEDICINE
PO Box 83720-0058, Boise, ID 83720-0085

22-0101-0801, Rules of the Board of Medicine for the Licensure to Practice Medicine and Surgery and Osteopathic Medicine and Surgery in Idaho. Allows for licensure by endorsement; requires licensees to serve as panelists for the prelitigation consideration of medical malpractice claims; enumerates the amount of medical malpractice judgments or settlements to disclose; and anticipates changes to the United States Medical Licensing Exam (USMLE).

22-0103-0801, Rules for the Licensure of Physician Assistants. Outlines licensure application and legal residency status requirements; clarifies requirement to submit certification examination results; clarifies scope of practice for delivery of medication; broadens the fee schedules in anticipation of increasing real costs of administration; and adds a provision for volunteer licenses.

IDAPA 23 - BOARD OF NURSING
PO Box 83720, Boise, ID 83720-0061

23-0101-0801, Rules of the Idaho Board of Nursing. Permits the Board to waive strict educational and examination requirements, in appropriate and very limited circumstances, for nurses currently licensed in another jurisdiction who are applying for licensure in Idaho.

IDAPA 24 - BUREAU OF OCCUPATIONAL LICENSES
1109 Main St., Ste. 220, Boise, ID 83702

24-0501-0801, Rules of the Board of Drinking Water and Wastewater Professionals. Inactive applications terminate after one year of inactivity; clarifies the exam for backflow assembly testers; establishes a very small water system exam requirement as an option for operator in training; establishes the hours of experience and education courses required for operators.

24-1101-0801, Rules of the State Board of Podiatry. Increases the original license and annual renewal license fees.

24-1301-0801, Rules of the Physical Therapy Licensure Board. Reduces the initial license, renewal, and reinstatement fees to licensees.

24-1601-0801, Rules of the State Board of Dentistry. Increases the annual license renewal fee.

IDAPA 27 - BOARD OF PHARMACY
PO Box 83720, Boise, ID 83720-0067

27.01.01 - Rules of the Idaho Board of Pharmacy.

27-0101-0801, Implements changes to Wholesale Drug Distribution Act; clarifies requirements and responsibilities of “pharmacist in charge”; makes pharmacy technicians' employment changes reportable; changes term “licensed” to “registered” in reference to pharmacists; and changes name and designation code for one of the accredited continuing education program organizations.

27-0101-0802, Changes term “pharmaceutical care” to “pharmacotherapy”; incorporates the statutory definitions of “pharmaceutical care,” “drug therapy,” “other pharmaceutical patient care services,” “collaborative pharmacy practice,” “collaborative pharmacy practice agreement,” and “pharmacist's scope of practice pursuant to the collaborative practice agreement.” Also defines “health information,” “HIPAA,” “individually identifiable health information,” and “protected health information.”

27-0101-0803, Clarifies the grounds upon which pharmacy technicians are subject to discipline, the sanctions and penalties which may be imposed, and procedures for reinstatement.

27-0101-0804, (Temp & Prop) Complies with federal law by requiring that no Schedule II order will be filled more than 90 days after the date the order was written.

IDAPA 31 - IDAHO PUBLIC UTILITIES COMMISSION**PO Box 83720, Boise, ID 83720-0074**

31-7103-0801, Railroad Safety and Accident Reporting Rules. Incorporates by reference 49 CFR Parts 172 and 174 (effective 10/1/08) which: add 30 new substances to the list of hazardous substances; require hazardous material shippers to provide emergency response telephone numbers on the material shipping documents; add new entries to the hazardous material listing and new rail car placarding requirements; develop alternative emergency response actions for various concentrations of ethanol and alcohol in gasoline mixtures; and also require railroads to compile annual data on certain shipments of explosives, "toxic by inhalation," and radioactive materials for risk and alternate route assessment and require inspections of placarded hazardous material rail cars for signs of tampering or suspicious activities.

IDAPA 33 -REAL ESTATE COMMISSION**633 N. Fourth St., Boise, ID 83702**

****33-0101-0801, Rules of the Idaho State Real Estate Commission.** Clarifies that the continuing education courses approved for licensing credit must be directly related to the practice of real estate.

IDAPA 37 - DEPARTMENT OF WATER RESOURCES**PO Box 83720, Boise, ID 83720-0098**

****37-0309-0601, Well Construction Standards Rules.** Updates and revisions include: more comprehensive definitions; clarification of the minimum requirements for all wells; increased minimum standards on steel casing wall thicknesses; specific provisions and allowances for the use of thermoplastic pipe (PVC) as casing or liner with out having to obtain a waiver for each instance; requirements for more effective annular seals to prevent contamination, aquifer commingling, and loss of ground water; increased minimum surface seal depth from 18 to 38 feet; and improved standards and methodology concerning well disinfection, to protect public health and safety.

IDAPA 39 - IDAHO TRANSPORTATION DEPARTMENT**PO Box 7129, Boise ID 83707-1129**

39-0222-0801, Rules Governing Registration and Permit Fee Administration. States that motor carriers cannot participate in future registration installment payment plans as allowed in Idaho Code, if previous registration installment payment plans have been suspended due to non-payment or payment with an insufficient funds check.

39-0306-0801, Rules Governing Allowable Vehicle Size. (Temp & Prop) Complies with Idaho Code by limiting the overhang or extension of a load to no more than 10 feet beyond the end of a vehicle.

39-0345-0801, Rules Governing Sale of No Longer Useful or Usable Real Property. Complies with Idaho Code by providing that all surplus real property will be offered first to the adjacent land owner.

IDAPA 52 - IDAHO LOTTERY COMMISSION**1199 Shoreline Lane, Suite 100, Boise, ID 83702**

52-0102-0801, Gaming Rules of the Idaho State Lottery Commission. Sets charitable gaming reporting requirements for better accountability and to assure legitimacy of participants and that profits go to charity; limits the ability of a "for profit" business to use a legitimate charity for personal gain; and requires bingo vendors to supply detailed information on invoices to improve tracking and accountability.

52-0103-0801, Rules Governing Operations of the Idaho State Lottery. Clarifies longstanding methods of selling lottery tickets; requires that an independent certified public accountant witness on-line game drawings; removes requirements that on-line game drawings be videotaped and that equipment used in such drawings be inspected by a certified public accountant.

IDAPA 58 - DEPARTMENT OF ENVIRONMENTAL QUALITY**1410 N. Hilton, Boise, ID 83706-1255**

58-0101-0803, Rules for the Control of Air Pollution in Idaho. Outlines a list of BMPs (best management practices) of various options for controlling ammonia emissions at their dairy farming operations including the use of Zeolite. Comment by 10/1/08.

58-0108-0803, Idaho Rules for Public Drinking Water Systems. Incorporates by reference the National Primary Drinking Water Regulations for Lead and Copper. Short Term Regulatory Revisions and Clarifications; Final Rule as promulgated by the USEPA on October 10, 2007. Incorporation by reference ensures that Idaho's rules will be neither more nor less stringent than the federal rule. This regulation is designed to protect populations from exposure to lead and copper in drinking water and reduce potential health risks associated with lead and copper. The short-term revisions strengthen the implementation of this rule in the following areas: monitoring, treatment processes, public education, customer awareness, and lead service line replacement. Comment by 10/1/08.

NEGOTIATED RULEMAKING MEETINGS ARE SCHEDULED FOR THE FOLLOWING:**IDAPA 02 - Department of Agriculture**

02-0613-0801, Rules Relating to Rapeseed Production and Establishment of Rapeseed Districts in the State of Idaho.

A PUBLIC HEARING HAS BEEN SCHEDULED FOR THE FOLLOWING:**IDAPA 35 - State Tax Commission**

35-0103-0801, Property Tax Administrative Rules (comment period extended)

Please refer to the Idaho Administrative Bulletin, **September 3, 2008, Volume 08-9** for notices and text of all rulemakings, public hearing schedules, Governor's executive orders, and agency contact information.

Issues of the Idaho Administrative Bulletin can be viewed at the county law libraries or online.

To view the Bulletin or Code or for information on purchasing the Bulletin and other rules publications, visit our website at www.adm.idaho.gov/adminrules/ or call (208) 332-1820 or write the Dept. of Administration, Office of Administrative Rules, 650 W. State St., Room 100, Boise, ID 83720-0306.